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**From:** Cathie McQuiston [MCQUIC@afge.org]  
**Sent:** 3/24/2021 4:10:09 PM  
**To:** Brown, Philip [Brown.Philip01@epa.gov]  
**CC:** Gary Morton [gmony3631@gmail.com]; John Howard [John.Howard@afge.org]; Coomber, Robert [coomber.robert@epa.gov]  
**Subject:** RE: EPA/AFGE meeting

I appreciate your providing a response. I'm sure you have heard the saying "actions speak louder than words." It took about 2 weeks for EPA to take away the negotiated rights of the AFGE and the employees we represent, but here we are 2 months after the EO issued and about 3 weeks after the OPM guidance and EPA has taken no action toward restoring our contract or anything else. That inaction speaks very loudly to all of us at AFGE.

We are going to stand by our request that any meetings between AFGE and EPA take place with the assistance of our assigned mediator. I would like to have the agency's agreement to jointly reach out to the mediator for a meeting in the next week pending the mediator's availability.

Cathie McQuiston, Deputy GC  
AFGE General Counsel's Office  
202-639-4011

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**From:** Brown, Philip <Brown.Philip01@epa.gov>  
**Sent:** **Ex. 3 5 U.S.C. § 7114(b)(4)**  
**To:** Cathie McQuiston <MCQUIC@afge.org>  
**Cc:** Gary Morton <gmony3631@gmail.com>; John Howard <John.Howard@afge.org> **Ex. 3 5 U.S.C. § 7114(b)(4)**  
**Ex. 3 5 U.S.C. § 7114(b)(4)**  
**Subject:** RE: EPA/AFGE meeting  
**Ex. 3 5 U.S.C. § 7114(b)(4)**

Dear Ms. McQuiston,

**Ex. 3 5 U.S.C. § 7114(b)(4)**

Respectfully,

*Phil Brown*

Director, Labor Employee Relations Division  
Office of Human Resources / Mission Support  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW, Mail Code: 3602A  
Washington, DC 20460  
**Office:** (202) 564-2607  
**Cell:** (202) 235-5630

Email: [Brown.Philip01@epa.gov](mailto:Brown.Philip01@epa.gov)

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**From:** Cathie McQuiston <[MCQUIC@afge.org](mailto:MCQUIC@afge.org)>

**Sent:** Tuesday, March 23, 2021 10:13 AM

**To:** Brown, Philip <[Brown.Philip01@epa.gov](mailto:Brown.Philip01@epa.gov)>

**Cc:** Gary Morton <[gmony3631@gmail.com](mailto:gmony3631@gmail.com)>; John Howard <[John.Howard@afge.org](mailto:John.Howard@afge.org)>; Coomber, Robert <[coomber.robert@epa.gov](mailto:coomber.robert@epa.gov)>

**Subject:** RE: EPA/AFGE meeting

There is nothing lost in a translation about what is happening here. There is also nothing personal to me about this situation—it appears to be just more of the same bad faith dealing we have had to endure from the agency for the last several years. We had a discussion last Thursday in which you proposed a meeting with AFGE to discuss the restoration of official time, offices, equipment and other matters as requested by AFGE and a number of our LPs. I agreed to the meeting and told you that I was available Wednesday. The next day, you and Mr. Coomber called Gary to schedule some other meeting in lieu of the meeting we had agreed to that had nothing to do with the meeting we had discussed and nothing to do with any of the subjects AFGE is seeking redress on at this time. You tried to replace the meeting we discussed and agreed to with a meeting with other unions about topics that are irrelevant.

AFGE is not going to meet about metrics and IBB at this time. There is no relationship between AFGE and EPA management. There is nothing to measure. It is at zero. I realize you were not at EPA when most of the matters over the last 2 years occurred, so let me share a few of the “highlights”. Not only did the agency unlawfully impose a contract on AFGE, but also the Administrator and Deputy Administrator most recently falsely maligned AFGE to the entire agency workforce in writing as recently as Christmas Eve. There is no trust, only the remnants of EPA management officials trying to humiliate and bust the union. All of these matters and more remain under litigation and many of the officials that carried out the union busting, seemingly with a lot of joy, are still with the agency. You can’t reasonably expect that our representatives are just going to have a meeting and carrying on as if nothing happened with the same people who tried to slit our throats and act like everything is fine. It’s not fine.

So, AFGE reps are not going to a meeting to talk about measuring a relationship that doesn’t exist and bargaining methods when no bargaining has been agreed to or scheduled. **We want a commitment from EPA that they will carry out EO 14003 and the guidance issued by OPM now. That agency officials will be directed to immediately return all official time, office space and equipment to our union leaders that was in effect prior to the unlawful imposition of the contract; that the agency will also restore the 2007 agreement and its provisions as the parties agree is appropriate given current circumstances; and that the agency will meet with the union to discuss any logistics for carrying out these directions from the President in the next 7 calendar days.** There can be no way forward unless and until the agency’s prior misconduct is acknowledged and remedied.

Since the union does not trust the agency representatives as no one has given us any reason to believe that the agency will deal with the union in good faith, I propose that the meeting we have requested take place with the inclusion of our assigned federal mediator Walter Bednarczyk. I look forward to hearing from you in the **next 24 hours** as to the agency’s willingness to commit to restoring the status quo in short order and with an indication whether it is willing to meeting with AFGE to discuss the matters we have requested with the mediator.

Cathie McQuiston, Deputy GC  
AFGE General Counsel’s Office  
202-639-4011

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**From:** Brown, Philip <Brown.Philip01@epa.gov>

**Sent:** Ex. 3 5 U.S.C. § 7114(b)(4)

**To:** Cathie McQuiston <MCQUIC@afge.org>

**Cc:** Gary Morton <gmony3631@gmail.com>; John Howard <John.Howard@afge.org> Ex. 3 5 U.S.C. § 7114(b)(4)

**Ex. 3 5 U.S.C. § 7114(b)(4)**

**Subject:** RE: EPA/AFGE meeting

# Ex. 3 5 U.S.C. § 7114(b)(4)

Respectfully,  
Phil

*Phil Brown*

Director, Labor Employee Relations Division  
Office of Human Resources / Mission Support  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW, Mail Code: 3602A  
Washington, DC 20460  
**Office:** (202) 564-2607  
**Cell:** (202) 235-5630  
**Email:** [Brown.Philip01@epa.gov](mailto:Brown.Philip01@epa.gov)

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**From:** Cathie McQuiston <MCQUIC@afge.org>

**Sent:** Friday, March 19, 2021 6:25 PM

**To:** Brown, Philip <Brown.Philip01@epa.gov>

**Cc:** Gary Morton <gmony3631@gmail.com>; John Howard <John.Howard@afge.org>

**Subject:** EPA/AFGE meeting

Mr. Brown

I appreciate your time yesterday for our phone conversation. I thought we had a positive discussion so I was surprised to hear that instead of receiving an email from you setting up a meeting next week as we had agreed, you instead reached out to Gary Morton about a meeting that would include other unions. I have to say it feels disrespectful that we agreed how we would proceed and then you did something else—something we had not discussed and you did not even have the courtesy to contact me directly when you and Mr. Coomber apparently decided the agency did not want to proceed as we had discussed.

I raised with you several issues that are of concern to our leaders—return of our official time, use of agency space and use of agency equipment. I clearly indicated that it is AFGE's position that these issues need to be addressed immediately. While there are also longer term issues like outstanding litigation, I expressed our view that the issues I listed above are things that the agency should have already moved on since the OPM guidance explicitly states that

agencies should remedy these kind of issues immediately. It was certainly my understanding that our meeting would address these concerns.

We never discussed and I certainly did not agree to a meeting that involved other unions. The issues surrounding our contract, the EOs and moving forward to improve the relationship between AFGE and EPA are unique to AFGE. AFGE represents far more employees at EPA than any other union and the Trump Administration made every effort to unlawfully attack and attempt to cripple AFGE. The other unions were not treated as harshly, from my understanding. Frankly, AFGE's concerns and issues in this area and how we address them with the agency are not anyone else's business. Similarly, any issues in this area and how other unions may choose to address them with EPA, are not AFGE's business. Given these circumstances, AFGE is not interested in any meeting to address our concerns, outstanding litigation and implementation of the EO and OPM guidance that involves anyone but AFGE and EPA representatives who are authorized to act on behalf of their respective organizations.

AFGE continues to be available for a meeting on Wednesday to discuss a return of official time, office space and use of agency equipment, among other things, that were in place for each of our Locals and our Council prior to the agency's unlawful unilateral implementation of a contract in June 2019 as required under EO 14003 and the implementing OPM guidance. We would like to meet on Wednesday, March 24 for at least 60 minutes between the hours of 2:00pm and 5:00pm. I look forward to finalizing the arrangements for our agreed upon meeting.

Cathie McQuiston, Deputy GC  
AFGE General Counsel's Office  
202-639-4011



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 3331  
Washington, DC  
“Protecting the Employees that Protect Our Environment”

April 5, 2021

MEMORANDUM

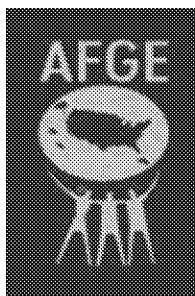
SUBJECT: Restoration of Official Time, AFGE Local 3331, EPA Headquarters  
FROM: Nate James, President, AFGE Local 3331  
TO: Philip Brown, Director  
Labor and Employee Relations Division

Per the Memorandum of Understanding Regarding the Implementation of E.O. 14003 dated April 2, 2021 and associated OPM guidance issued on March 5, 2021, Local officials will be granted official time that was in effect pursuant to MOUs prior to July 2019. Therefore, no later than April 7, 2021 AFGE Local 3331 representatives will have 100% official time restored for the following representatives:

- Nate James
- Aretha Brockett
- Ronald Wiley
- Sunday Eme
- Kimberly Marshall

AFGE Local 3331 request that LER immediately communicate these changes to the supervisors of the representatives listed above. Please take the necessary steps required to bring their office equipment onboard in the physical union office. Representatives will be allowed to enter their official time via PeoplePlus.

We are looking forward to a productive working relationship with the LER staff here at EPA Headquarters.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 534  
Atlanta, Georgia

**MEMORANDUM**

DATE: MARCH 18, 2021

FROM: Dianna B. Myers  
President, AFGE Local 534

TO: John Blevins, Acting Regional Administrator  
Becky Allenbach, Acting Director, Mission Support Division  
Carlos Asencio, Labor and Employee Relations

AFGE Local 534 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837, in particular, was embodied in the unilateral order, and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance) [ [HYPERLINK "https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce" \]](https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce)

### **Relief Sought:**

On behalf of our bargaining unit employees AFGE Local 534 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE Local 534 10<sup>th</sup> floor office space and keys to Room 10T34 include the shared conference room with other union.
2. If restoration of the original AFGE office space cannot be completed by March 31, 2021 EPA will provide equitable space within the Atlanta Regional Office by the requested date.
3. The Agency will immediately return the computer, Multifunction printer/copier/fax, telephones, office supplies, file cabinets and furniture confiscated by EPA.
4. Official time will be restored for the President of Local 534 immediately.
5. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
6. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
7. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
8. The use of EPA equipment for union communications and meetings, including but is not limited to email, bulletin boards, and MS Teams in the Atlanta and Athens, Georgia locations.

# AFGE Local 3631

Annapolis, Boothwyn, Ft. Meade, Philadelphia, Wheeling

## MEMORANDUM

MARCH 18, 2021

FROM: Marie Owens Powell  
President, AFGE Local 3631

TO: Diana Esher, Acting Regional Administrator  
Catherine McManus, Director, Office of Mission Support  
Anthony Waters, Region 3 Labor Relations

AFGE Local 3631 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837 in particular was embodied in the unilateral order, and was never ratified by Council 238 in a subsequent contract. A Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.



EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance)  
. <https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>

**Relief Sought:**

On behalf of the our bargaining unit employees AFGE 3631 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE 3631 to the 4th floor office.
2. The Agency will immediately return the office equipment, telephone, support for office supplies, file cabinets and furniture confiscated by EPA.
3. Official time will be restored to the "reasonable and necessary" standard.
4. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
5. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
6. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately
7. The use of EPA equipment for union communications and meetings, includes but is not limited to email and MS Teams.

**Memorandum of Understanding**  
**Regarding the Implementation of EO 14003**

The purpose of this agreement is to address the implementation of EO 14003 and associated OPM guidance.

**Interim Agreements**

The parties agree that effective April 7, 2021, Article 6 of the 2007 Agreement (Union Activities) will be in effect and replace Article 2 of the 2020 Agreement. Except that the provision in Article 6, Section 8 pertaining to the amount of official time allocated to the Council will be revisited by the parties during term negotiations. Council officials will continue to receive reasonable and necessary official time. This means that local officials will follow MOUs related to the amount of official time. Local officials will be granted official time that was in effect pursuant to MOUs prior to July 2019.

The parties agree that effective April 7, 2021, Article 38 (Negotiated Grievance Procedure) and Article 39 (Arbitration) from the 2007 Agreement will replace Article 6 (Negotiated Grievance Procedure) and Article 7 (Arbitration) in the 2020 Agreement. Except that excepted service employees are covered by the grievance and arbitration procedures.

The parties agree that effective April 7, 2021, Article 11 (Use of Agency Facilities) from the 2007 Agreement will replace Article 3 (Use of Agency Facilities) in the 2020 Agreement.

The parties agree that effective April 7, 2021, Article 34 (Employee Performance Evaluation) from the 2007 Agreement will replace the 2020 MOU bargained between the parties regarding performance. Except that there will continue to be a 3-tier performance appraisal system until the parties address this issue in term bargaining. Both parties reserve the right to bargain performance at the term.

Also, Section 28 of Article 34 of the 2007 Agreement will not be in effect. The parties agree the following language will be in effect during this interim period pertaining to the Agency's authority to place an employee on a PIP: The Agency must have justification to place an employee on a PIP.

The parties agree that Article 12 (Work Schedules) and Article 13 (Telework) from the 2020 Agreement will remain in effect except that the requirements of days in the office will be delinked from the number of days an employee may telework. The parties agree that telework and work schedules are appropriate subjects during term negotiations.

The parties agree that Article 14 (Fitness and Wellness Centers) of the 2007 Agreement is not in effect.

**Review Process**

The parties agree that in the next 2 weeks both AFGE and EPA will each review all of the 2007 articles to identify items that may be out of date or no longer applicable. The purpose of this review is to determine which articles/sections from the 2007 Agreement will continue in effect on an interim basis until a new term agreement is negotiated. Any union employee representatives who engage in this review will be on official time. The parties agree to meet with the mediator to review their findings on April 23, 2021 at 9:30AM EDT.

The parties agree that they will begin term bargaining within 90 days after the parties sign an agreement on the issue of which provisions will govern the parties in the interim (in addition to the matters outlined above in the interim agreement section). The parties may mutually agree to extend the 90 day period before bargaining begins.

### **Joint Training**

The parties agree that after agreement is reached on the review process and the interim agreements are finalized the parties will jointly receive training on bargaining. This training includes but is not limited to training on interest-based bargaining, relationship building, permissive bargaining, and any other training the parties agree is appropriate. The parties will mutually agree on outside parties to conduct the training.

The parties agree to pursue partnership opportunities that enhance working conditions of EPA employees and further our collaborative efforts toward improving the labor management relationship. The parties agree that the subject matter of these meetings will be discussed prior to the meeting and mutually agreed upon.

The provisions of this agreement shall remain in full force and effect and unchanged unless the parties consent to a change in the agreement or as required by applicable law.



4/2/21

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Cathie McQuiston, AFGE

Brown, Philip

Digitally signed by Brown, Philip  
Date: 2021.04.02 15:06:23 -04'00'



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 3331  
Washington, DC  
“Protecting the Employees that Protect Our Environment”

April 5, 2021

MEMORANDUM

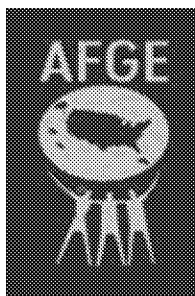
SUBJECT: Restoration of Official Time, AFGE Local 3331, EPA Headquarters  
FROM: Nate James, President, AFGE Local 3331  
TO: Philip Brown, Director  
Labor and Employee Relations Division

Per the Memorandum of Understanding Regarding the Implementation of E.O. 14003 dated April 2, 2021 and associated OPM guidance issued on March 5, 2021, Local officials will be granted official time that was in effect pursuant to MOUs prior to July 2019. Therefore, no later than April 7, 2021 AFGE Local 3331 representatives will have 100% official time restored for the following representatives:

- Nate James
- Aretha Brockett
- Ronald Wiley
- Sunday Eme
- Kimberly Marshall

AFGE Local 3331 request that LER immediately communicate these changes to the supervisors of the representatives listed above. Please take the necessary steps required to bring their office equipment onboard in the physical union office. Representatives will be allowed to enter their official time via PeoplePlus.

We are looking forward to a productive working relationship with the LER staff here at EPA Headquarters.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 534  
Atlanta, Georgia

**MEMORANDUM**

DATE: MARCH 18, 2021

FROM: Dianna B. Myers  
President, AFGE Local 534

TO: John Blevins, Acting Regional Administrator  
Becky Allenbach, Acting Director, Mission Support Division  
Carlos Asencio, Labor and Employee Relations

AFGE Local 534 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837, in particular, was embodied in the unilateral order, and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance) [ [HYPERLINK "https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce" \]](https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce)

### **Relief Sought:**

On behalf of our bargaining unit employees AFGE Local 534 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE Local 534 10<sup>th</sup> floor office space and keys to Room 10T34 include the shared conference room with other union.
2. If restoration of the original AFGE office space cannot be completed by March 31, 2021 EPA will provide equitable space within the Atlanta Regional Office by the requested date.
3. The Agency will immediately return the computer, Multifunction printer/copier/fax, telephones, office supplies, file cabinets and furniture confiscated by EPA.
4. Official time will be restored for the President of Local 534 immediately.
5. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
6. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
7. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
8. The use of EPA equipment for union communications and meetings, including but is not limited to email, bulletin boards, and MS Teams in the Atlanta and Athens, Georgia locations.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 3428  
Boston and Chelmsford, Massachusetts

MEMORANDUM  
MARCH 18, 2021

FROM: Steven Calder, President, AFGE Local 3428

TO: Art Johnson, Division Director, MSD and Katherine Shanahan, Manager of Human Resources Branch

AFGE Local 3428 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO specifically revokes the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837 in particular was embodied in the unilateral order that was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Furthermore, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the

Office of Personnel Management Guidance of March 5, 2021(OMB Guidance). [ HYPERLINK "https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce" ]

**Relief Sought:**

On behalf of the bargaining unit employees AFGE Local 3428 (Union) is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE 3428 the office located on the 1st floor of POCH in Room 1-110, the former Union Office including providing the Union with seven keys to lock the office.
2. The Agency will immediately return and or have available agency equipment and furniture, as set out in the previous local agreement dated March 24, 2015, "Addendum to the June 19, 2009 Union Office Furniture and Equipment Agreement."
3. Immediately, official time will be granted for Union Officers and Stewards as necessary and reasonable to attend to Union matters.
4. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
5. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
6. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
7. If restoration of the original AFGE office space cannot be completed by March 31, 2021, EPA will provide a reasonable schedule for when the space will be made available to the Union.
8. The use of EPA equipment for union communications and meetings, includes but is not limited to email and MS Teams.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 3347  
RTP, NC

MEMORANDUM  
MARCH 18, 2021

FROM: Ken Krebs, President, AFGE Local 3347

TO: Aaron Helm, Director of OARM, Nikki Davis, Management Services Section

AFGE Local 3347 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837 in particular was embodied in the unilateral order, and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance),

**Relief Sought:**

On behalf of the bargaining unit employees AFGE 3347 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE 3347 to their original office and conference room in C-133.
2. The Agency will immediately return the Multifunction printer/copier/fax, telephones, support for office supplies, file cabinets and furniture confiscated by EPA.
3. Official time will be restored for the full-time union representative immediately.
4. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
5. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
6. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
7. If restoration of the original AFGE office space cannot be completed by March 31, 2021 EPA will provide equitable space within the EPA Headquarters Federal Triangle campus by the requested date.
8. The use of EPA equipment for union communications and meetings, includes but is not limited to email and MS Teams.
9. Restoration of the Union President's original parking space on the South parking deck.
10. Restoration of the message board in a location of high campus activity.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 3331  
Washington, DC  
“Protecting the Employees that Protect Our Environment”

March 18, 2021

MEMORANDUM

FROM: Nate James  
President, AFGE Local 3331  
U.S. Environmental Protection Agency

TO: Donna Vizian, Principal Deputy Assistant Administrator  
Office of Mission Support  
U.S. Environmental Protection Agency

AFGE Local 3331, on behalf of our bargaining unit employees, submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden’s revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that “Career civil servants are the backbone of the Federal workforce” and that “[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce.” It further notes that “[i]t is also the policy of the United States to encourage union organizing and collective bargaining.” To advance these policy objectives, the EO revoked the following EOs:

- E.O. 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,
- E.O. 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and
- E.O. 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238’s bargaining unit by unilateral order issued by the Agency on July 8, 2019. E.O. 13837, in particular, was embodied in the unilateral order and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice charge was filed on behalf of the Union objecting to the working conditions imposed by E.O. 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

E.O. 14003 has lawfully reversed the legal effect of E.O. 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the Union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance dated March 5, 2021(OMB Guidance).

<https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>.

**Relief Sought:**

On behalf of our bargaining unit employees AFGE Local 3331 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under E.O. 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE Local 3331 to WJC West 2214 office suite to include the neighboring conference room WJC West 2210.
2. The Agency will immediately return the Multifunction printer/copier/fax, telephones, support for office supplies, file cabinets and furniture confiscated by EPA.
3. Official time will be restored for the five full-time union representatives immediately.
4. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
5. AFGE representatives and bargaining unit employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in PeoplePlus only.
6. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
7. If restoration of the original AFGE office space cannot be completed by March 31, 2021 EPA will provide equitable space within the EPA Headquarters Federal Triangle campus by the requested date.
8. The use of EPA equipment for union communications and meetings, includes but is not limited to email, telephones and MS Teams.
9. EPA will restore the use of dedicated union bulletin boards in each pantry.

*Justice delayed is justice denied. "William E. Gladstone"*

cc: Phillip Brown, OMS/OHR/LERS  
Yvette Jackson, OMS/OAS/FMSD

Message

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**From:** Brown, Philip [Brown.Philip01@epa.gov]  
**Sent:** 3/19/2021 8:27:49 PM  
**To:** James, Nathaniel [james.nathaniel@epa.gov]; Krebs, Ken [krebs.ken@epa.gov]; Coryell, Mark [coryell.mark@epa.gov]; Calder, Steven [Calder.Steve@epa.gov]; McIntyre, Crystal [McIntyre.Crystal@epa.gov]; Copt, Britta [Copt.Britta@epa.gov]; Dreyfus, Bethany [Dreyfus.Bethany@epa.gov]; Owens Powell, Marie [Owens.Mariejr@epa.gov]; Myers, Dianna [Myers.Dianna@epa.gov]; Greaves, Natasha [Greaves.Natasha@epa.gov]; Chen, Justin [Chen.Justin@epa.gov]; Cantello, Nicole [cantello.nicole@epa.gov]  
**CC:** Gary Morton [gmony3631@gmail.com]; **Ex. 3 5 U.S.C. § 7114(b)(4)**  
**Subject:** Acknowledgment and thank you...

**Importance:** High

**Ex. 3 5 U.S.C. § 7114(b)(4)**

Thanks,  
Phil

*Phil Brown*

Director, Labor Employee Relations Division  
Office of Human Resources / Mission Support  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW, Mail Code: 3602A  
Washington, DC 20460  
**Office:** (202) 564-2607  
**Cell:** (202) 235-5630  
**Email:** [Brown.Philip01@epa.gov](mailto:Brown.Philip01@epa.gov)

**Ex. 3 5 U.S.C. § 7114(b)(4)**

**Ex. 3 5 U.S.C. § 7114(b)(4)**

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**From:** John Howard <[John.Howard@afge.org](mailto:John.Howard@afge.org)>  
**Sent:** Thursday, January 21, 2021 8:50 AM  
**To:** Coomber, Robert <[coomber.robert@epa.gov](mailto:coomber.robert@epa.gov)>  
**Subject:** RE: Suggested MoU Language

Thank you Bob. We have common interests that can likely be addressed to our mutual satisfaction....

**Ex. 3 5 U.S.C. § 7114(b)(4)**

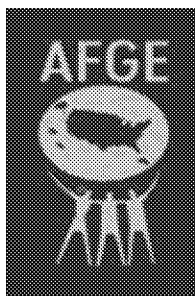
**Ex. 3 5 U.S.C. § 7114(b)(4)**

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**From:** John Howard <[John.Howard@afge.org](mailto:John.Howard@afge.org)>  
**Sent:** Wednesday, January 20, 2021 1:08 PM  
**To:** Coomber, Robert <[coomber.robert@epa.gov](mailto:coomber.robert@epa.gov)>  
**Subject:** Suggested MoU Language

Greetings Bob-- AFGE is proposing the attached language in response to the EPA proposed MoU covered in last week's briefing. I believe this works for both parties. I am of course available to discuss.





AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 534  
Atlanta, Georgia

**MEMORANDUM**

DATE: MARCH 18, 2021

FROM: Dianna B. Myers  
President, AFGE Local 534

TO: John Blevins, Acting Regional Administrator  
Becky Allenbach, Acting Director, Mission Support Division  
Carlos Asencio, Labor and Employee Relations

AFGE Local 534 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837, in particular, was embodied in the unilateral order, and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance) [ [HYPERLINK "https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce" \]](https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce)

### **Relief Sought:**

On behalf of our bargaining unit employees AFGE Local 534 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE Local 534 10<sup>th</sup> floor office space and keys to Room 10T34 include the shared conference room with other union.
2. If restoration of the original AFGE office space cannot be completed by March 31, 2021 EPA will provide equitable space within the Atlanta Regional Office by the requested date.
3. The Agency will immediately return the computer, Multifunction printer/copier/fax, telephones, office supplies, file cabinets and furniture confiscated by EPA.
4. Official time will be restored for the President of Local 534 immediately.
5. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
6. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
7. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
8. The use of EPA equipment for union communications and meetings, including but is not limited to email, bulletin boards, and MS Teams in the Atlanta and Athens, Georgia locations.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
LOCAL 3331  
Washington, DC  
“Protecting the Employees that Protect Our Environment”

March 18, 2021

MEMORANDUM

FROM: Nate James  
President, AFGE Local 3331  
U.S. Environmental Protection Agency

TO: Donna Vizian, Principal Deputy Assistant Administrator  
Office of Mission Support  
U.S. Environmental Protection Agency

AFGE Local 3331, on behalf of our bargaining unit employees, submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden’s revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that “Career civil servants are the backbone of the Federal workforce” and that “[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce.” It further notes that “[i]t is also the policy of the United States to encourage union organizing and collective bargaining.” To advance these policy objectives, the EO revoked the following EOs:

- E.O. 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,
- E.O. 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and
- E.O. 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238’s bargaining unit by unilateral order issued by the Agency on July 8, 2019. E.O. 13837, in particular, was embodied in the unilateral order and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice charge was filed on behalf of the Union objecting to the working conditions imposed by E.O. 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

E.O. 14003 has lawfully reversed the legal effect of E.O. 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the Union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance dated March 5, 2021(OMB Guidance).

<https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>.

**Relief Sought:**

On behalf of our bargaining unit employees AFGE Local 3331 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under E.O. 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the employee representatives of AFGE Local 3331 to WJC West 2214 office suite to include the neighboring conference room WJC West 2210.
2. The Agency will immediately return the Multifunction printer/copier/fax, telephones, support for office supplies, file cabinets and furniture confiscated by EPA.
3. Official time will be restored for the five full-time union representatives immediately.
4. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
5. AFGE representatives and bargaining unit employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in PeoplePlus only.
6. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
7. If restoration of the original AFGE office space cannot be completed by March 31, 2021 EPA will provide equitable space within the EPA Headquarters Federal Triangle campus by the requested date.
8. The use of EPA equipment for union communications and meetings, includes but is not limited to email, telephones and MS Teams.
9. EPA will restore the use of dedicated union bulletin boards in each pantry.

*Justice delayed is justice denied. "William E. Gladstone"*

cc: Phillip Brown, OMS/OHR/LERS  
Yvette Jackson, OMS/OAS/FMSD